

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

LLOYD BELL, Individually and as
Executor of the Estate of Betty
Whitley Bell, Deceased,

Plaintiff,

v.

AMERICAN INTERNATIONAL
INDUSTRIES INC., et al.,

Defendant/Third-Party Plaintiff,

v.

NESLEMUR COMPANY f/k/a
THE NESTLE-LEMUR
COMPANY,

Third-Party Defendant.

1:17CV111

ORDER

THIS MATTER is before the Court on the motion of Plaintiff Lloyd Bell and Defendants Colgate-Palmolive Company, American International Industries, Cyprus Amax Minerals Company, Brenntag Specialties, Inc., and Whittaker Clark & Daniels, Inc., made pursuant to Local Civil Rule 26.1 (d) and Rule 16(b) of the Federal Rules of Civil Procedure. In the Motion, the parties seek a 2-month extension of the discovery period in addition to a prior 2-month extension already allowed by Order dated December 10, 2019. The Court has considered the present request but notes that discovery has been underway for eight months, and it is not clear that the Parties have

undertaken discovery with sufficient diligence during that time period to justify an additional 2-month extension. In addition, as noted in the December 10, 2019 Order granting the first extension of these deadlines, further extensions were not anticipated, given the trial setting on the January 2021 Trial Calendar. In this regard, the Court notes that the requested additional 2-month extension may impact the trial setting in this case, given the time needed for briefing and consideration of dispositive motions. The Court will therefore grant the request in part, and will extend the deadlines to the extent set out below, which keeps the deadline for the filing of dispositive motions as June 30, 2020. Any request for a further extension of time should either be supported by a sufficient showing to justify delay of the trial date, or should ensure that dispositive motions are still filed by June 30, 2020, after the close of all discovery.

IT IS THEREFORE ORDERED that the Joint Motion to Extend the Discovery Period and Amend the Order Granting the Parties' Joint Rule 26(f) Report [Doc. #108] is GRANTED IN PART as stated below.

The date for completion for all discovery (general and expert) is June 15, 2020.

Discovery shall be completed as follows:

1. The date for completion of all general fact discovery is March 31, 2020.
2. Expert discovery shall not begin until April 1, 2020 and shall be completed by June 15, 2020.
3. Reports from retained expert witnesses under Fed. R. Civ. P. 26(a)(2)(B), and disclosures from any expert witness under Fed. R. Civ. P. 26(a)(2)(C) are due during the expert discovery period:
 - a. From Plaintiff by March 31, 2020.

b. From Defendants by April 30, 2020.

4. All dispositive motions and supporting briefs must be filed and served no later than June 30, 2020. Any party who intends to file a motion for summary judgment, or any other dispositive motion, after the close of discovery must file and serve a notice of intention to file a dispositive motion within 7 days following the close of the discovery period.

5. A jury trial has been tentatively set in this case for the January 4, 2021 Master Calendar Term.

This the 3rd day of March, 2020.

/s/ Joi Elizabeth Peake
United States Magistrate Judge